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8 Attorney for Plaintiff

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 Joe Pires,
12 Plaintiff,
13 vs.
14 Kilolo Kijakazi, Commissioner of Social Security,
15 Defendant.

Case No. **2:20-cv-01073 KJN**

**STIPULATION AND ~~PROPOSED~~ ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. §2412(d)**

16 IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel,
17 subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of FOUR
18 THOUSAND EIGHT HUNDRED ELEVEN DOLLARS AND 75 CENTS (\$4811.75) under the Equal
19 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal
20 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with
21 28 U.S.C. §§ 1920, 2412(d).

22 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter
23 of Plaintiff's assignment of EAJA fees to counsel Geri N. Kahn. Pursuant to *Astrue v. Ratliff*, 560 U.S.
24 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are subject to any
25 offset allowed under the United States Department of the Treasury's Offset Program. After the order for
26 EAJA fees is entered, the government will determine whether they are subject to any offset.

27 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
28 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and costs to be

made directly to counsel Geri N. Kahn, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or counsel including the Law Office of Geri N. Kahn, Attorney at Law, may have relating to EAJA attorney fees in connection with this action. This award is without prejudice to the rights of counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Dated: November 16, 2021

LAW OFFICE OF GERI N. KAHN

By: /s/ Geri N. Kahn
GERI N. KAHN
Attorney for Plaintiff

Dated: November 16, 2021

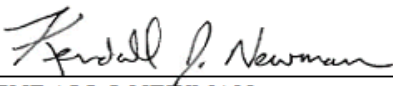
PHILLIP A. TALBERT
Acting United States Attorney

By: /s/ Marcelo N. Illarmo
MARCELO N. ILLARMO
(*authorized by email, November 16, 2021)
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: November 30, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE